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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,650	01/12/2004	Jerry W. Norris	03-338R	8378
7590	06/21/2006			EXAMINER MARSH, STEVEN M
Wm. Randall May Allison, May, Alvis, Fuhrmeister, Kimbrough & Sharp, LLC 1300 Corporate Drive Birmingham, AL 35242			ART UNIT 3632	PAPER NUMBER

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/754,650	NORRIS, JERRY W.
	Examiner Steven M. Marsh	Art Unit 3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 January 2004.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1122004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

This is the first office action for U.S. Application 10/754,650 for an Apparatus For Coupling Intravenous Infusion Units With Mobile Transport Vehicles filed on January 12, 2004.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,179,260 B1 to Ohanian. Ohanian discloses a coupling apparatus that can temporarily attach a mobile apparatus with a vertical pole attached to a wheeled base,

to a personal mobile transport vehicle. The coupling apparatus has a support means (34) adapted to be secured to one side of a mobile transport vehicle. There is an elongated arm member (40") pivotally coupled to the support means, wherein the arm member comprises a U-shaped cradle member (42) at its distal end. The cradle can receive and releasably hold a vertical pole of a mobile medical apparatus and the arm member is pivotable within a horizontal plane from a collapsed position alongside a mobile transport vehicle, to a working position about a mobile transport vehicle. There is also a means for locking the position of the arm member as the arm member is pivoted through the horizontal plane to the working position with respect to the mobile transport vehicle (as the cradle engages the pole the arm is locked into place). There is also a means (52) for releasably securing the vertical pole to the mobile medical apparatus to the cradle means and an elongated strap means (54) attached at one end of the arm member that can secure and stabilize medical equipment.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohanian in view of U.S. Patent 5,390,886 to Lawner et al. Ohanian does not disclose two U-shaped cradle members attached to each other via a bar member perpendicularly

extending between the members. Lawner disclose providing two clamp members with a vertical support connecting the members in parallel, for securely removably attaching a cylindrical member to an object. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided an additional cradle member such as the pair of cradle member taught by Lawner et al., as a substitute for the single cradle member taught by Ohanian, for the purpose of providing a means to securely and removably attach the cylindrical member (the pole) to another object.

Claim 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohanian in view of Lawner et al., and in further view of U.S. Patent 6,843,456 B1 to Hajianpour. Ohanian in view of Lawner et al. does not disclose the cradle members as having a securing strap for closing the open end of the cradle member to releasably secure a pole within the cradle means. Hajianpour discloses an coupling apparatus with a cradle (20) for securing a cylindrical object to another object. The cradle has a securing strap (74) made of a hook and loop material for closing the open end of the cradle member to releasably secure a cylinder to the cradle means. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a securing strap on the cradle means taught by Ohanian in view of Lawner et al, as taught by Hajianpour, for the purpose of releasably securing a cylindrical pole to the cradle.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohanian. Ohanian also discloses the elongated arm member with a cylindrical post member (44) at its proximal end and a support means with cylindrical sleeve member (39) vertically

mounted at the distal end of the mounting arm for slidably and pivotally engaging the cylindrical sleeve member. Applicant's post member is on the support means and the sleeve member is on the elongated arm member, but the reversal of parts is a matter of engineering preference that would have been obvious to one of ordinary skill in the art at the time of the present invention.

***Allowable Subject Matter***

Claims 9 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,921,443 to McMillan

U.S. Patent 4,489,454 to Thompson

U.S. Patent 4,600,209 to Kerr, Jr.

U.S. Patent 6,969,031 B2 to Ugent et al.

U.S. Patent 6,585,206 B2 to Metz et al.

U.S. Patent 6,966,086 B2 to Metz et al.

The above patents all disclose various stands.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

*SM*  
Steven M. Marsh

June 5, 2006

*Ramón O. Ramírez*  
RAMÓN O. RAMÍREZ  
PRIMARY EXAMINER